

REMARKS

Applicants acknowledge receipt of an Office Action dated September 11, 2002. In this response Applicants have amended claim 15 to clarify that the fiber layers in the connecting section "extend from the fiber composite section". Support for this amendment may be found in the specification *inter alia* at the third full paragraph on page 9. Following entry of this amendment, claims 15-30 are pending in the application.

Reconsideration of the present application is respectfully requested in view of the foregoing amendment and the remarks which follow.

Rejections Under 35 U.S.C. §112, 1st Paragraph

On page 2 of the Office Action, the PTO has rejected claims 29 and 30 under 35 U.S.C. §112, 1st paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The PTO also rejected claim 1 under 35 U.S.C. §112, 1st paragraph as allegedly containing subject matter which was not described in the specification in such a way as enable one skilled in the art to make and/or use the invention. Applicants respectfully traverse these rejections for the reasons set forth below.

With regard to claims 29 and 30, Applicants submit that these claims find support in the disclosure as filed. Support for claim 29 may be found, for example, in the first two paragraphs on page 9 of the specification. Support for claim 30 may be found in the originally filed disclosure, for example, in Figure 1 and the accompanying description in the specification.

With regard to claim 1, Applicants note that claim 1 was cancelled on page 1 of the previous response. For this reason, Applicants submit that the rejection of claim 1 is moot.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under §112, 1st paragraph.

R ejections Under 35 U.S.C. §103

On page 3 of the Office Action, the PTO has rejected claims 15-23 and 27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 4,673,606 to Unden *et al.* (hereafter “Unden”) in view of U.S. Patent 3,758,234 to Goodwin (hereafter “Goodwin”). In addition, on page 6, the PTO has rejected claims 23-26 and 28-30 under 35 U.S.C. 103(a) as being unpatentable over Unden in view of Goodwin and in further view of Willard. Applicants respectfully traverse these rejections for the reasons set forth below.

In the previous response, Applicants cancelled claims 1-4 and introduced claims 15-30. Claim 15, the only pending independent claim, defines:

[a] composite material article comprising...a connecting section for connecting the composite material article to another article...wherein the connecting section...comprises a plurality of layers including at least some layers comprised of a reinforcement material and at least some layers comprised of some of the fiber layers which extend from the fiber composite section and pass through the transitional section into the connecting section...

In this response, Applicants amended claim 15 to insert the phrase “the fiber composite section” after the phrase “extend from”. Since the fiber layers referenced in claim 15 as originally presented necessarily extended from the fiber composite section, Applicants submit that this amendment simply serves to clarify the claim and does not raise a new issue for consideration. For this reason, Applicants submit that entry of this amendment after final rejection is proper.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA 1974). See MPEP §2143.03. Here, Unden, taken either alone or in combination

with Goodwin and/or Willard, fails to teach or properly suggest the presently claimed connecting section.

The PTO's statement that the connecting section of Unden comprises alternating fiber layers which pass through the transitional section (sentence bridging pages 3 and 4 of Office Action) appears to be based on a misunderstanding of the reference. Specifically, as can be seen from figures 1 and 2 in Unden, the connecting section (the section comprising the connecting hole 2) is made from steel plates only. This can also be seen in the specification, at column 2, lines 18-22, where Unden explicitly states that "part 7 of armature 1 which in the laminated structure element is positioned outside the plastic matrix layers 4, 5 is provided with a coupling hole 2 adapted to receive a mounting bolt or the like". (Emphasis added). Part 7, which (according to the Office Action) corresponds to the connecting section of the present application, is not part of the laminated structure formed by the plastic matrix layers 4, 5. Consequently, the plastic matrix layers - corresponding (according to the Office Action) to the fiber layers of claim 15 - do not extend into the connecting section.

Based on the foregoing explanation, it is clear that Unden fails to teach or fairly suggest a connecting section comprising "a reinforcement material and...fiber layers" as recited in claim 15. It is also clear that Unden fails to teach or fairly suggest a connecting section comprising "fiber layers which extend from the fiber composite section and pass through the transitional section into the connecting section...". Neither Goodwin nor Willard add anything to resolve these basic deficiencies in Unden. Since, Unden, taken either alone or in combination with Goodwin and/or Willard, fails to teach or properly suggest all of the features of claim 15, Applicants submit the outstanding rejection under 35 U.S.C. §103 is improper and should be withdrawn.

Where an independent claim is nonobvious, then any claim depending therefrom is also nonobvious. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). See MPEP §2143.03. Thus, Applicants submit that claims 16-30, which depend directly or indirectly from independent claim 15, are also non-obvious.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of this rejection under 35 U.S.C. §103.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

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By P.D.S.

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MARKED UP VERSION SHOWING CHANGES MADE

Below are the marked up amended claim(s):

15. (Amended) A composite material article comprising:

(a) a fiber composite section having an axial direction;

(b) a connecting section for connecting the composite material article to another article; and

(c) a transitional section located in the axial direction between the fiber composite section and the connecting section;

wherein the fiber composite section (a) comprises a plurality of fiber layers each comprising a polymer matrix and fibers embedded in said polymer matrix;

wherein the connecting section (b) comprises a plurality of layers including at least some layers comprised of a reinforcement material and at least some layers comprised of some of the fiber layers which extend from the fiber composite section and pass through the transitional section into the connecting section; and

wherein the transitional section (c) comprises a structure in which, between the fiber layers which pass through the transitional section, at least some of said layers in the connecting section which comprise the reinforcement material extend into the transitional section and terminate at first termination points within the transitional section, at least some of said fiber layers in the fiber composite section do not pass through the transitional section but rather extend into the transitional section and terminate at second termination points within the transitional section, and said layers that extend into the transitional section abut against each other at abutment points located at said first and second termination points.